

representative, Dr. Kathy Brown, noted that RIBI Detox™ adjuvant is not a liposome formulation, as stated by the Examiner (see 6/13/01 Office Action, page 2). It is understood by those in the art that RIBI Detox™ is a proprietary adjuvant formulation comprising mycobacterial cell wall skeleton and a preparation of monophosphoryl lipid A derived from bacterial lipopolysaccharides.

As a result of this amendment, claim 34 has been amended to include the elected RIBI Detox™ formulation as an adjuvant. In addition, the claim has been amended to further clarify that the RIBI Detox™ adjuvant is not a liposome formulation. The subject matter of the amended claim is fully supported by the specification of the application as originally filed (see above).

In addition, claim 69, has been cancelled without prejudice or disclaimer, as being directed to non-elected subject matter. Applicant retains their right to claim the cancelled subject matter in a continuation application that claims priority to the present application. Applicants confirm that RIBI Detox™ has been elected as the adjuvant formulation.

### **CONCLUSION**

Applicants believe that this Amendment, taken together with the Amendment filed on April 11, 2001, is fully responsive to the Office Action mailed October 11, 2000. Applicants' undersigned representative has attempted to discuss the claims for the application with the Examiner, but has been unsuccessful in obtaining an interview regarding the case. In the event that the Examiner is of the opinion that further discussion of the application would be helpful, the Examiner is hereby respectfully requested to telephone the undersigned

representative at (212) 415-8742 and is assured of full cooperation in an effort to advance the prosecution of the instant application and claims to allowance.

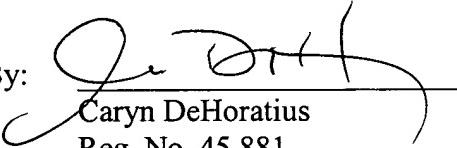
**AUTHORIZATION**

Should any additional fee(s) be required by the filing of this Amendment and Response and accompanying papers, authorization is hereby given to the Commissioner to charge the amount of any such fee(s) that is/are properly assessable in this application to Deposit Account No. 13-4500, Docket No. 2026-4230US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,

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Dated: October 15, 2001

By:   
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**APPENDIX**

**AMENDMENT OF CLAIMS WITH MARKINGS TO SHOW CHANGES MADE**

34. (Three times amended) The pharmaceutical composition according to claims 32 or 33, further comprising [an adjuvant,] a liposome formulation, [or] an antigen presenting cell, or an adjuvant comprising a RIBI Detox™ formulation.

69. Cancelled.